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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/020,102      | 12/13/2001  | Shmuel Shaffer       | 062891.0655         | 5797             |

7590 12/15/2005  
Baker Botts L.L.P.  
Suite 600  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT PAPER NUMBER

2654

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |  |                                       |  |
|------------------------------|--|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/020,102   | <b>Applicant(s)</b><br>SHAFFER ET AL. |  |
|                              | <b>Examiner</b><br>Angela A. Armstrong | <b>Art Unit</b><br>2654               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8, 10-16, 32-33, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (US Patent No. 5,799,273) in view of Brown et al (US 2001/0013001).
2. Regarding claims 1 and 35, Mitchell discloses a system for relating words in an audio file to words in a text file, comprising: retrieving a text file comprising a plurality of textual words (col. 6, lines 20-29); generating an audio file comprising a plurality of audible words based on the text file (col. 6, lines 9-19); and storing information relating each audible word to a corresponding textual word (col. 6, lines 48-65).

Mitchell does not teach transmitting audio to a telecommunication device to play an audio file to a user.

Brown discloses a platform for implementing interactive voice response (IVR) applications over the Internet or other type of network includes a speech synthesizer, a grammar generator and a speech recognizer. The speech synthesizer generates speech, which characterizes the structure and content of a web page retrieved over the network. The speech is

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delivered to a user via a telephone or other type of audio interface device (paragraph 0012-0015).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system Mitchell to implement an interactive voice response system as suggested by Brown to allow for Internet information access via a telephone, as also suggested by Brown.

Regarding claim 2, Mitchell discloses the textual words comprise ASCII text (col. 5, lines 59-67).

Regarding claim 3, Mitchell discloses the audio file is stored in the form of a WAV file (col. 6, lines 9-29; col. 13, lines 26-30).

Regarding claim 4, Mitchell discloses the information comprises voice tags embedded in the audio file (col. 7, lines 1-30).

Regarding claim 5, Mitchell discloses the information comprises a file map relating a location of each textual word within the text file to a location of the corresponding audible word in the audio file (col. 6, line 48 to col. 8, line 3).

Regarding claims 6 and 36, Mitchell discloses the method steps are performed by login embodied in a computer readable medium (col. 4, line 66 to col. 5, line 36).

Regarding claims 7, 15, and 32, Mitchell discloses a system for relating words in an audio file to words a text file, comprising: retrieving a text file comprising a textual word (col. 6, lines 20-29); generating an audible word corresponding the textual word (col. 6, lines 9-19); storing the audible word in an audio (col. 6, lines 9-29; col. 13, lines 26-30); storing a file map, the file map comprising: a first location locating audible word within the audio file (Figures 3-4;

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col. 6, line 48 to col. 7, line 30); and a second location locating the textual word within the text file (Figures 3-4; col. 6, line 48 to col. 7, line 30).

Mitchell does not teach transmitting audio to a telecommunication device to play an audio file to a user.

Brown discloses a platform for implementing interactive voice response (IVR) applications over the Internet or other type of network includes a speech synthesizer, a grammar generator and a speech recognizer. The speech synthesizer generates speech, which characterizes the structure and content of a web page retrieved over the network. The speech is delivered to a user via a telephone or other type of audio interface device (paragraph 0012-0015).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system Mitchell to implement an interactive voice response system as suggested by Brown to allow for Internet information access via a telephone, as also suggested by Brown.

Regarding claims 8, 16, and 33, Mitchell discloses repeating the steps the method plurality of textual words in the text file (col. 5, line 59 to col. 8, line 3; Figures 3-4).

Regarding claim 10, Mitchell discloses a system for relating words in an audio file to words in a text file, comprising: retrieving a text file comprising a plurality of textual words (col. 6, lines 20-29); generating an audible word corresponding to each textual word, each audible word comprising media stream packets (col. 6, lines 9-29); and playing the audible words to a user in real time as the audible words are generated (col. 8, line 52 to 10, line 2); and during the playing of the audible words, determining a current textual word corresponding audible word currently being played (col. 8, line 52 to col. 10, line 2).

Mitchell does not teach transmitting audio to a telecommunication device to play an audio file to a user.

Brown discloses a platform for implementing interactive voice response (IVR) applications over the Internet or other type of network includes a speech synthesizer, a grammar generator and a speech recognizer. The speech synthesizer generates speech, which characterizes the structure and content of a web page retrieved over the network. The speech is delivered to a user via a telephone or other type of audio interface device (paragraph 0012-0015).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system Mitchell to implement an interactive voice response system as suggested by Brown to allow for Internet information access via a telephone, as also suggested by Brown.

Regarding claim 11, Mitchell discloses the textual words comprise ASCII text (col. 5, lines 59-67).

Regarding claim 12, Mitchell discloses initializing a counter identifying textual words within the text file (col. 6, line 48 to col. 7, line 30); and incrementing the counter after each audible word is played (col. 6, line 48 to col. 7, line 30); wherein the step of determining comprises identifying the current textual word using the counter (col. 6, line 48 to col. 7, line 30).

Regarding claim 13, Mitchell discloses storing information about the audible word, the information comprising: an identifier for the textual word corresponding the audible word (col. 6, line 48 to col. 8, line 3); and a time at which the audible word was played (col. 6, line 48 to col. 8, line 3; Figures 3-4).

Regarding claim 14, Mitchell discloses the method steps are performed by login embodied in a computer readable medium (col. 4, line 66 to col. 5, line 36).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 17-31, 34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell in view of Dionne (US Patent No. 6,068,487) and further in view of Frulla et al (US Patent No. 6,424,357).

4. Regarding claims 9, 17-31, 34 and 37, Mitchell discloses a system which provides a user interface for relating words in an audio file to words a text file, comprising: retrieving a text file comprising a textual word (col. 6, lines 20-29); generating an audible word corresponding the textual word (col. 6, lines 9-19); storing the audible word in an audio (col. 6, lines 9-29; col. 13, lines 26-30); storing a file map, the file map comprising: a first location locating audible word within the audio file (Figures 3-4; col. 6, line 48 to col. 7, line 30); and a second location locating the textual word within the text file (Figures 3-4; col. 6, line 48 to col. 7, line 30).

Mitchell does not teach that the system identifies an audible word to be spelled in response to the command to spell; identifies a textual word in a text file corresponding to the audible word to be spelled; and audibly spell the textual word. Dionne teaches a method for having a reading machine spell a word, which includes retrieving a word to be spelled,

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displaying letters of the word, spelling the word and provide an text-to-speech output of the word (col. 3, lines 8-34). Dionne teaches that the system is useful in assisting individuals with learning disabilities or severe visual impairments.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Mitchell to provide the spelling of words in the text, to aid in the editing of recognized text and in the correcting of recognition errors, for the purpose of assisting individuals with visual impairments with editing of text.

Mitchell and Dionne do not teach the command input to the system is via a voice command. However, implementation of voice commands to allow for system functionality and control similar to that of hand-controlled input devices was well known in the art.

Frulla discloses a voice input system has a microphone coupled to a computing device, with the computing device typically operating a computer software application. A user speaks voice commands into the microphone, with the computing device operating a voice command module that interprets the voice command and causes the graphical or non-graphical application to be commanded and controlled consistent with the use of a physical mouse (Figures 2-3; col. 4, lines 57-64), and specifically teaches the system is advantageous in environments in which it is inconvenient or impractical to use a mouse, and thereby making the user interface more convenient and efficient for a user to input information and commands.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Mitchell to provide the spelling of words in the text, to aid in the editing of recognized text and in the correcting of recognition errors and to further provide voice command control, as suggested by Frulla, for the purpose of making the user interface more



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convenient and efficient for a user to input information and commands in situations in which using a physical mouse is impractical or cumbersome.

### ***Response to Arguments***

5. Applicant's arguments filed September 22, 2005 have been fully considered but they are not persuasive.

6. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Dionne specifically teaches that the system is useful in assisting individuals with learning disabilities or severe visual impairments, and one of ordinary skill would clearly

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recognize the desirability of providing such individuals with text editing assistance so as to have a reading machine spell a word and provide an text-to-speech output of the word.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

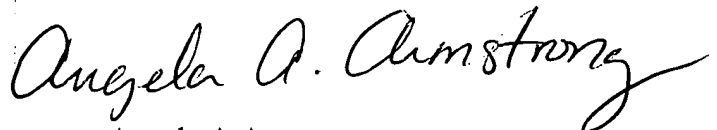
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Angela A Armstrong  
Primary Examiner  
Art Unit 2654

AAA  
December 9, 2005